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1 conflict with the general laws of the state; and

2 WHEREAS, pursuant to Section 38301 of the California Vehicle Code, the
3 County of San Bernardino is authorized to adopt special regulations related to the
4 operation of off-highway motor vehicles on public lands.

5 NOW THEREFORE, the Board of Supervisors of the County of San
6 Bernardino, State of California, ordains as follows:

7 SECTION 1. Chapter 4 of Division 8 of Title 2 of the San Bernardino County
8 Code is repealed in its entirety.

9 SECTION 2. Chapter 4 is added to Division 8 of Title 2 of the San
10 Bernardino County Code, to read:

11 **"Chapter 4: OFF-HIGHWAY MOTOR VEHICLE USE**

12 **Sections:**

- | | | |
|----|---------------|---|
| 13 | 28.041 | Definitions. |
| 14 | 28.042 | Applicability. |
| 15 | 28.043 | Operating Without Permission on Private or Public Property |
| 16 | | Prohibited. |
| 17 | 28.044 | Staging; Permit Required. |
| 18 | 28.045 | Noise Limits. |
| 19 | 28.046 | Disturbing the Peace and Quiet Prohibited. |
| 20 | 28.047 | Penalty. |

21 **28.041 Definitions.**

22 For purposes of this chapter, the following words and terms shall have the
23 definitions and meanings set forth below:

24 (a) "Highway" means any road, street, way, or place, publicly maintained and
25 open to use by the public for purposes of vehicular travel. For purposes of this
26 chapter, the term "highway" does not include fire trails, logging roads, service roads
27 regardless of surface composition, any dedicated roadway or easement for road
28 purposes that has not been accepted into the road system of the appropriate
governmental jurisdiction, or other roughly graded trails and roads upon which
vehicular travel by the public is permitted.

1 (b) "Motor vehicle" shall have the meaning set forth in section 415 of the
2 California Vehicle Code.

3 (c) "Off-highway motor vehicle" shall have the meaning set forth in section
4 38006 of the California Vehicle Code.

5 (d) "Staging" shall mean a formal or informal assembly or gathering of off-
6 highway vehicles, or other vehicles and equipment accessory thereto, including any
7 related camping or establishment of temporary accommodations, on private or
8 public property for purposes of coordinating the use and operation of such off-
9 highway vehicles on such property or the surrounding areas.

10 **28.042 Applicability.**

11 This chapter shall not apply to the proper and legal operation of an off-
12 highway motor vehicle on a highway or within any area, trail or route specifically
13 designated or authorized by a local, state, or federal governmental agency for use
14 by off-highway motor vehicles.

15 **28.043 Operating Without Permission on Private or Public Property**
16 **Prohibited.**

17 Every person who operates an off-highway motor vehicle upon the private
18 property of another or upon any public property, except a highway, at all times while
19 so operating shall maintain in his or her possession written permission from the
20 person or entity that is in possession of the property or that owns the property
21 granting permission to operate off-highway motor vehicles thereon; except that if the
22 same document grants permission to two (2) or more persons, a person named in
23 such document need not have such document in his or her possession while
24 another person named in the same document, riding in the same group, and not
25 more than three hundred (300) feet from such person, has such document in his or
26 her possession.

27 **28.044 Staging; Permit Required.**

28 No person shall organize, conduct, or participate in staging, as defined

herein, involving ten (10) or more persons, without first obtaining and maintaining on the property where such staging is occurring, a Temporary Special Event Permit pursuant to section 84.0745 of the County Code.

28.045 Noise Limits.

No off-highway motor vehicle shall exceed the noise standards established in California Vehicle Code applicable to off-highway motor vehicles.

28.046 Disturbing the Peace and Quiet Prohibited.

Notwithstanding any other provision in this chapter, no person shall operate any motor vehicle (including any off-highway motor vehicle), or the motor thereof, nor shall any person organize, conduct, or participate in staging (as defined herein), in a manner that disturbs the peace or quiet of any neighborhood or person by noise, dust, smoke, or fumes caused by such motor vehicle or staging activity. The Code Enforcement Division of Land Use Services Department shall establish procedures for the investigation and enforcement of this section, which shall be substantially similar to those contained in section 32.0119 of this Code, except that if the offending activity occurs in the presence of a code enforcement officer, the officer shall have the authority to issue a citation to the offending party pursuant to applicable provisions of this Code.

28.047 Penalty.

(a) Except as provided in subdivisions (b), (c) and (d), a violation of this chapter is an infraction punishable by a fine of not more than two hundred dollars (\$200).

(b) A second violation of this chapter that is committed within three years after a prior violation for which there was a conviction is an infraction, punishable by a fine of not more than four hundred dollars (\$400).

(c) A third violation of this chapter that is committed within three years after two violations for which there were convictions is an infraction, punishable by a fine of not more than five hundred dollars (\$500).

1 (d) A fourth or subsequent violation of this chapter that is committed
2 within three years after three or more prior violations for which there were
3 convictions is a misdemeanor, punishable by a fine of not more than one thousand
4 dollars (\$1,000) or by imprisonment in county jail for not more than ninety (90) days,
5 or by both fine and imprisonment.

6 SECTION 3. This ordinance shall take effect thirty (30) days after the date of
7 its adoption.